

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
FILE NO. 3:10-cv-00170-GCM

MARIA PAMELA COPSIS,
Plaintiff,

vs.

AUTO-OWNERS INSURANCE COMPANY,
Defendant.

CONSENT PROTECTIVE ORDER

Defendant has served a subpoena on the Charlotte Fire Department for the production of, "Complete copies of any and all records pertaining to the fire at 4916 Sharon Drive on March 15, 2007." The City of Charlotte has requested that any such production in response to the subpoena be made pursuant to a protective order to protect the information contained in the records subject to the subpoena. In addition, the parties recognize that in the course of discovery proceedings relating to this action, it may be necessary to disclose certain confidential and/or proprietary information. The parties wish to ensure that the materials produced by the Charlotte Fire Department and any confidential and proprietary information produced in discovery will not be disclosed to unauthorized persons, and will not be used for any purpose other than this litigation.

It is therefore ORDERED that:

1. Prior to its production, either party may designate documents or other materials as containing CONFIDENTIAL INFORMATION to be protected by this Order. All materials produced by the Charlotte Fire Department in response to the subpoena shall automatically be considered to be CONFIDENTIAL INFORMATION protected by the Order.

2. The following “Qualified Persons” are entitled to review and utilize documents or materials containing confidential information produced pursuant to the terms of this Order:

- a. The parties, their employees, and their attorneys of record (including their necessary staff);
- b. Any person who participated in preparing the information, or who is identified or discussed in the four corners of the information;
- c. Independent expert witnesses who have been specially employed or retained to assist in this litigation and their necessary staff;
- d. Witnesses who are asked to review this confidential information during the course of a deposition or trial in this litigation;
- e. Court reporters recording testimony in this litigation and their necessary staff;
- f. The presiding Judge, courtroom clerk or other necessary court personnel, and jurors (upon being sworn in) at any motion hearing or trial of this matter; and
- g. Any other person who is later designated as a Qualified Person by Order of the Court or agreement of the parties.

3. The CONFIDENTIAL INFORMATION identified above will be designated by marking the initial page of any document, or any computer disk or videotape at or before the time of production as “**CONFIDENTIAL**”. The parties may comply with this Order by either marking the original documents or the copies that are produced or exchanged. Each party shall be responsible for ensuring that any materials obtained from the Charlotte Fire Department are appropriately marked.

4. A Qualified Person who receives CONFIDENTIAL INFORMATION shall not make it available to persons or entities other than Qualified Persons as defined in paragraph 2, and shall only use the information for purposes of this litigation.

5. Within sixty (60) days after the conclusion of this litigation, any party may request the return of any documents containing CONFIDENTIAL INFORMATION to the producing party. Any party may satisfy the request for return of materials by certifying that they have been destroyed. The ultimate disposition of any CONFIDENTIAL INFORMATION shall be subject to a final order of the court upon the conclusion of this litigation.

6. The terms of this Order shall continue to be binding upon the parties after the conclusion of this litigation.

Signed: September 1, 2010



Graham C. Mullen
United States District Judge



BY CONSENT:

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